

REMARKS

This application is a division of prior application Serial No. 09/346,934 filed on July 2, 1999.

The final Official Action of Application Serial No. 09/346,934 on the date of May 7, 2003 rejected claims 13 and 17-20 under 35 USC §102(e) as being anticipated by SAKO 5,694,381, and claims 14-16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Present claims 1-8 correspond to rejected claims 13-20. Applicants added claims 13-20 in the parent application on March 20, 2003. In that amendment, applicants mentioned "Applicants have added independent claim 13 in order to clarify the basis for determinations by the first determination device and the second determination device". In the Remarks, applicants respectfully mentioned the difference between claim 13 and the cited reference SAKO more specifically as follows:

"In the present invention, a second determination device determines whether the recording disk is a recording disk of a recordable type or a recording disk of a read-only type on the basis of a form of a track formed on a surface of the recording disk." See the description of lines 19-24 of the specification, as originally filed. That is, the disk

discrimination device determines the type of the recording medium on the basis of a form of a track form of the recording medium.

In contrast, in SAKO, the medium information representing the type of the data record medium including at least a read-only type and a write enable type are recorded as unerasable data. See the description of the second full paragraph in column 2. The medium type is distinguished corresponding to the medium ID signal Dmi included in TOC data. See description of column 7, lines 55-57 and column 7, line 35, etc. That is, SAKO determines the type of the recording medium on the basis of the data recorded on the recording medium.

Therefore, the reference SAKO cited in the final Official Action of the prior application does not disclose, teach or suggest the features in present claim 1 (parent claim 13). Applicants respectfully submit that claim 1 is not anticipated by SAKO.

As for dependent claims 2-8, these dependent claims are believed to be allowable, since independent claim 1 is not anticipated by SAKO.

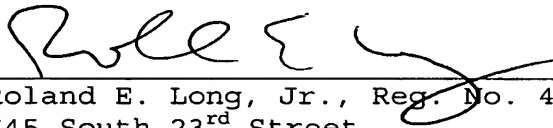
Based on the above, claims 9-16 are also believed to be allowable.

In view of the foregoing remarks, it is respectfully submitted that the claims as herein described are patentable over the prior art. Favorable reconsideration and prompt allowance of claims 1-8 are earnestly solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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